



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	Attorney Docket No: 1842-0029
Pafford et al.)	
)	
Application No.: 10/749,822)	Examiner: To be assigned
)	
Filed: December 31, 2003)	
)	Group Art Unit: To be Assigned
Title: Dynamic Spinal Stabilization System))	

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on March 2, 2004

(Date of Deposit)

Michael D. Beck

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Michael D. Beck

Signature of person mailing Document or Fee

March 2, 2004

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, Applicants hereby disclose the following references.

Copies of the U.S. references are provided herewith since this application was filed before the waiver date of June 30, 2003.

<u>U.S. Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
4,743,260	Burton	05/10/1988
4,805,602	Puno et al.	02/21/1989
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<u>Foreign Pat. No.</u>	<u>Country</u>	<u>Issue/Publication Date</u>
EP 0 381 588 B2	Europe	03/05/2000
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5. Scifert, Jeffrey L., Sairyo, Koichi, Goel, Vijay K., Grobler, Leon J., Grosland, Nicole M., Spratt, Kevin F., and Chesmel, Kathleen D., "Stability Analysis of an Enhanced Load Sharing Posterior Fixation Device and Its Equivalent Conventional Device in a Calf Spine Model", SPINE, Vol. 24, No. 21, pp. 2206-2213,   Lippincott, Williams & Wilkins, Inc. (8pages).
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7. Swanson, Kyle E., Lindsey, Derek P., Hsu, Ken Y., Zucherman, James F. and Yerby, Scott A., "The Effect of Interspinous Implant on Intervertebral Disc Pressures", SPINE, Vol. 28, No. 1, pp. 26-32,   Lippincott, Williams & Wilkins, Inc., (9 pages).

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It is believed that no fees are due for the consideration of this Information Disclosure Statement because this Information Disclosure Statement is being filed before receipt of the First Office Action. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 13-0014, but not to include any payment of issue fees.

March 2, 2004
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Indianapolis, Indiana 46204-5115
(317) 638-2922

Respectfully Submitted,



Michael D. Beck
Attorney for Applicants
Registration No. 32,722

FORM PTO-1449
INFORMATION DISCLOSURE STATEMENT

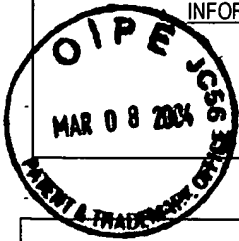
ATTY. DOCKET NO.: 1842-0029

APPLICATION NO. 10/749,822

APPLICANT: Pafford et al.

FILING DATE: December 31, 2003

GROUP ART UNIT: To be Assigned



U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	4,743,260	05/10/1988	Burton			
	AB	4,805,602	02/21/1989	Puno et al.			
	AC	4,836,196	06/06/1989	Park et al.			
	AD	5,002,542	03/26/1991	Frigg			
	AE	5,011,484	04/30/1991	Breard			
	AF	5,092,866	03/03/1992	Bread et al.			
	AG	5,167,664	12/01/1992	Hodorek			
	AH	5,180,393	01/19/1993	Commarmond			
	AI	5,207,678	05/04/1993	Harms et al.			
	AJ	5,209,751	05/11/1993	Farris et al.			
	AK	5,219,349	06/15/1993	Krag et al.			

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	TRANSLATION
	AL	EP 0 381 588 B2	03/05/2000	Breard et al.			Yes No
	AM	WO 02/24087	28/03/2002	Kalaitzis et al.			Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AQ	<u>1</u>	Mulholland, Robert C. and Sengupta, Dilip K., "Rational, Principles and Experimental Evaluation of the Concept of Soft Stabilization", EUR Spine J (2002) 11 (Suppl.2): S198-S205, ©Springer-Verlag 2002, (8 pages).
	AR	<u>1</u>	Sénégas, J., "Mechanical Supplementation by Non-Rigid Fixation in Degenerative Intervertebral Lumbar Segments: The Wallis System", Eur Spine J (2002) 11 ((Suppl. 2): S164-S169, ©Springer-Verlag 2002, (6 pages).
	AS	<u>1</u>	Dunsker, Stewart B., Schmidek, Henry H., Frymoyer, John, and Kahn, Alfred, "The Unstable Spine (Thoracic, Lumbar, and Sacral Regions), Grune & Stratton, Inc. 1986, (19 pages).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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	BA	5,242,446	09/07/1993	Steffee et al.			
	BB	5,261,912	11/16/1993	Frigg			
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	BD	5,363,841	11/15/1994	Coker			
	BE	5,486,174	01/23/1996	Fournet-Fayard et al.			
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	BG	5,540,688	07/30/1996	Navas			
	BH	5,545,163	08/13/1996	Miller et al.			
	BI	5,562,737	10/08/1996	Graf			
	BJ	5,591,165	01/07/1997	Jackson			
	BK	5,616,143	04/01/1997	Schlapfer et al.			

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	BL						Yes No
	BM						Yes No
	BN						Yes No
	BO						Yes No
	BP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	BQ	<u>2</u>	"Modulus System™: Fusion, Stabilization, or Augmentation", MEKANIK: The Spinal Stabilization Company, http://www.mekanika.com/htm/modsystem.htm , November 15, 2003, (4 pages).
	BR	<u>2</u>	Scifert, Jeffrey L., Sairyo, Koichi, Goel, Vijay K., Grobler, Leon J., Grosland, Nicole M., Spratt, Kevin F., and Chesmel, Kathleen D., "Stability Analysis of an Enhanced Load Sharing Posterior Fixation Device and Its Equivalent Conventional Device in a Calf Spine Model", SPINE, Vol. 24, No. 21, pp. 2206-2213, ©Lippincott, Williams & Wilkins, Inc. (8pages).
	BS	<u>2</u>	Various Abstracts of Articles on the "X-Stop" Interspinous Spacer, Various Authors, date unknown.

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	CB	5,707,372	01/13/1998	Errico et al.			
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	CG	6,015,409	01/18/2000	Jackson			
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	CL						Yes No
	CM						Yes No
	CN						Yes No
	CO						Yes No
	CP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	CQ	<u>3</u>	Swanson, Kyle E., Lindsey, Derek P., Hsu, Ken Y., Zucherman, James F. and Yerby, Scott A., "The Effect of Interspinous Implant on Intervertebral Disc Pressures", SPINE, Vol. 28, No. 1, pp. 26-32, ©Lippincott, Williams & Wilkins, Inc., (9 pages).				
	CR	<u>3</u>	Garner, Matthew D., Wolfe, Steven J., Kuslich, Stephen D., "Development and Preclinical Testing of a New Tension-Band Device for the Spine: The Loop System", Eur Spine J (2000) 11 (Suppl. 2): S186-191, (6 pages).				
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	DA	6,149,655	11/21/2000	Constantz et al.			
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	DL						Yes No
	DM						Yes No
	DN						Yes No
	DO						Yes No
	DP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
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	DR	4	Senegas, Jacques, "Senegas System: Concept of Posterior Stabilisation: Mechanical Supplementation by Dynaminc Fixation in Degenerative Intertebral Lumbar Segments: The Wallis System", (2 pages).
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	EF	2002/0103487	08/01/2002	Errico et al.			
	EG	2002/0138077	09/26/2002	Ferree			
	EH	2002/0165550	11/07/2002	Frey et al.			
	EI	2002/0183745	12/05/2002	Kuntz			
	EJ	2003/0004511	01/02/2003	Ferree			
	EK	2003/0028196	02/06/2003	Bonutti			

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	EL						Yes No
	EM						Yes No
	EN						Yes No
	EO						Yes No
	EP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	EQ	<u>5</u>	Mochida, Joji, Suzuki, Kane, Chiba, Masahiro, "How to Stabilize a Single Level Lesion of Degenerative Lumbar Spondylolisthesis", Clinical Orthopaedics and Related Research, No. 368, pp. 126-134, ©Lippincott, Williams & Wilkins, Inc., (9 pages).
	ER	<u>5</u>	Taylor, Jean, "Minimal Access for Interspinous Stabilisation", (6 pages).
	ES	<u>5</u>	Caserta, S., La Maida, G.A., Misaggi, B., Peroni, D., Pietrabissa, R., Raimondi, M.T., Redaelli, A., "Elastic Stabilization Alone or Combined with Rigid Fusion in Spinal Surgery: A Biomechanical Study and Clinical Experience based on 82 cases", Eur Spine J (2002) 11(Suppl.2):S192-S197, ©Springer-Verlag 2002, (6 pages).

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	FA	2003/0065329	04/03/2003	Vaughan			
	FB						
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	FK						
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	FL						Yes No
	FM						Yes No
	FN						Yes No
	FO						Yes No
	FP						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	FQ	<u>6</u>	Hadlow, Simon, Fagan, Andrew, Terrence, Hillier and Fraser, Robert, "The Graf Ligamentoplasty Procedure: Comparison with Posterolateral Fusion in the Management of Low Back Pain", http://gateway2.ovid.com/ovidweb.cgi , May 20, 2003, (14 pages).				
	FR	<u>6</u>	Konno, Shinichi and Kikuchi, Shinichi, "Prospective Study of Surgical Treatment of Degenerative Spondylolisthesis: Comparison Between Decompression Alone and Decompression with Graf System Stabilization", SPIN, Vol. 25 (12), June 15, 2000, (10 pages).				
	FS	<u>6</u>	Gardner, Alan and Pande Ketan, "Graf Ligamentoplasty: A 7-Year Follow-Up, Eur Spine J (2002) 11 (Suppl.2): S157-S163, ©Springer-Verlag 2002, (7 pages).				
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	GA						
	GB						
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	GJ						
	GK						
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	HL						Yes No
	HM						Yes No
	HN						Yes No
	HO						Yes No
	HP						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	HQ	7	Nydegger, T. and Dubois, G., "Dynamic Neutralisation System for the Spine: Biomechanical Aspects", (1 page).				
	HR	7	Eberlein, Robert, Holzapfel, Christian A, and Schulze-Bauer, A.J., "Assessment of a Spinal Implant by Means of Advanced FE Modeling of Intact Human Intervertebral Discs", WCCM V July 7-12, 2002, (14 pages).				
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EXAMINER					DATE CONSIDERED		
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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO.: 1842-0029	APPLICATION NO. 10/749,822
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	FILING DATE: December 31, 2003	GROUP ART UNIT: To be Assigned

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	IA						
	IB						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	IL						Yes No
	IM						Yes No
	IN						Yes No
	IO						Yes No
	IP						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	IQ	8	Freudiger, S., Dubois, G. and Lorrain, M., "Dynamic Neutralisation of the Lumbar Spine Confirmed on a New Lumbar Spine Simulator in Vitro", Arch Orthop Trauma Surg (1999): 119:127-132, ©Springer-Verlag -1999, (6 pages).				
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	JI						
	JJ						
	JK						
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	JL						Yes No
	JM						Yes No
	JN						Yes No
	JO						Yes No
	JP						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	JQ	2	Sengupta, Dilip K., Mulholland, Robert C., Herkowitz, Harry N., Hochschuler, Stephen H., "Loads Sharing Characteristics of Two Novel Soft Stabilization Devices in the Lumbar Motion Segments: A Biomechanical Study in Cadaver Spine", date unknown, (3 pages).				
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	JS	2					
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